

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
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APR - 3 2013

CHRISTA K. BERRY, CLERK
BY _____
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INHABITANTS OF THE TOWN OF
LINCOLNVILLE,

Plaintiff

v.

JOHN M. STEPHENS (a/k/a JOHN
M. STEPHENS, JR.),
REBECCA STEPHENS (a/k/a
REBECCA M. STEPHENS),
WILMINGTON SAVINGS FUND
SOCIETY, FSB,
THE FIRST, N.A.,
THE UNITED STATES OF
AMERICA,
THE STATE OF MAINE, acting by
and through its DEPARTMENT OF
LABOR, and
VIKING, INC.,

Defendants

CIVIL ACTION NO. 1:12-cv-394-GZS

**STIPULATED JUDGMENT AGAINST DEFENDANT STATE OF MAINE,
ACTING BY AND THROUGH ITS DEPARTMENT OF LABOR**

NOW COME Plaintiff Inhabitants of the Town of Lincolnville and Defendant State of Maine, acting by and through its Department of Labor ("Defendant-State of Maine/DOL"), pursuant to Fed. R. Civ. P. 54, and hereby stipulate for all purposes in this litigation as follows:

1. Plaintiff Inhabitants of the Town of Lincolnville (the "Town") is a municipal corporation organized and existing under the laws of the State of Maine, located in the County of Waldo, State of Maine.
2. This is an action pursuant to 36 M.R.S.A. § 946 to establish and confirm the Town's title to a certain lot or parcel of land with the buildings thereon located at

7 Morton Road, Lincolnville, Maine, property more particularly described as follows (the "Property"):

A certain lot or parcel of land with the buildings thereon situated along the northerly side of Morton Road (a/k/a Morton Lane) in the Town of Lincolnville, County of Waldo, State of Maine, more particularly described as follows:

Beginning at a point marked by a 5/8-inch iron rod set on the northerly side of Morton Lane, said point being 308.7 feet North $63^{\circ} 46'$ East from a 5/8-inch iron rod set at the intersection of Morton Lane and Masalin Road; thence running North $21^{\circ} 54'$ East for a distance of 353.8 feet to a corner marked by a 5/8-inch iron rod set; thence turning and running along land retained by grantors [now or formerly Donald L. Moody, Jr. and Gail E. Moody], North $81^{\circ} 34'$ East for a distance of 180.6 feet to a corner marked by a 5/8-inch iron rod set; thence turning and running South $18^{\circ} 22'$ West along a stone wall and along land, now or formerly of Hans Gautschi (Book 992, Page 250), for a distance of 302.6 feet to a 5/8-inch iron rod set on the boundary of Morton Lane; thence turning and running along the boundary of Morton Lane, South $72^{\circ} 34'$ West for a distance of 225.7 feet to a 5/8-inch iron rod set and the point of beginning.

MEANING AND INTENDING to convey 1.27 acres and Lot 2 of the Subdivision as described on "Subdivision Plan for Gail E. Moody, Belmont and Masalin Road, Lincolnville, Maine, dated July 1996," and prepared by Mark W. Ingraham, III. Said Subdivision Plan is recorded at the Waldo County Registry of Deeds in Drawer 17, Plan 103.

MEANING AND INTENDING to convey a portion of the property described in Warranty Deed of Orvil L. Young and Andrea J. Young to Donald L. Moody, Jr. and Gail Moody, dated October 10, 1995, and recorded at the Waldo County Registry of Deeds in Book 1567, Page 224.

Being the same premises described in a deed from Donald L. Moody, Jr. and Gail E. Moody to Rebecca Stephens and John M. Stephens dated December 10, 1996 and recorded in the Waldo County Registry of Deeds in Book 1667, Page 230.

3. Defendant-State of Maine/DOL may claim an interest in the Property by virtue of the following Notice of Tax Liens Under Employment Security Law against John M. Stephens, Jr.:

- (a) Notice of Tax Lien Under Employment Security Law dated May 20, 2003 and recorded in the Waldo County Registry of Deeds in Book 2415, Page 234;
- (b) Notice of Tax Lien Under Employment Security Law dated May 25, 2004 and recorded in the Waldo County Registry of Deeds in Book 2603, Page 265; and
- (c) Notice of Tax Lien Under Employment Security Law dated February 23, 2005 and recorded in the Waldo County Registry of Deeds in Book 2730, Page 348.

4. On August 10, 2010, the Town recorded a tax lien certificate evidencing the Town's tax lien mortgage against the Property in the Waldo County Registry of Deeds in Book 3466, Page 280.

5. On July 12, 2012, the Tax Collector/Treasurer for the Town sent a Notice of Filing of Tax Lien Certificate Related to the Property pursuant to 36 M.R.S.A. § 943 by certified mail, return receipt requested, to Defendant-State of Maine/DOL's last known address as shown on the Notice of Tax Liens Under Employment Security Law against John M. Stephens, Jr. referenced in Paragraph 3 above. Defendant-State of Maine/DOL signed the certified mail return receipt on July 13, 2012.

6. On October 12, 2012, said tax lien mortgage automatically foreclosed pursuant to 36 M.R.S.A. § 943 without Defendant-State of Maine/DOL having acted to redeem the Property by payment or tender of the amount of the tax lien mortgage on or before the foreclosure date.

7. Judgment is hereby entered against Defendant-State of Maine/DOL on the Complaint, and Defendant-State of Maine/DOL hereby disclaims and releases any interest in the Property and no other, which interest it may have acquired in the Property

by virtue of the following Notice of Tax Liens Under Employment Security Law against John M. Stephens, Jr.:

- (a) Notice of Tax Lien Under Employment Security Law dated May 20, 2003 and recorded in the Waldo County Registry of Deeds in Book 2415, Page 234;
- (b) Notice of Tax Lien Under Employment Security Law dated May 25, 2004 and recorded in the Waldo County Registry of Deeds in Book 2603, Page 265; and
- (c) Notice of Tax Lien Under Employment Security Law dated February 23, 2005 and recorded in the Waldo County Registry of Deeds in Book 2730, Page 348.

Dated: March 11, 2013

By: /s/ Sally J. Daggett
Sally J. Daggett, Bar No. 2449
Attorney for Plaintiff
JENSEN BAIRD GARDNER & HENRY
Ten Free Street, P.O. Box 4510
Portland, ME 04112
sdaggett@jbgh.com

Dated: February 28, 2013

By: /s/ Elizabeth Wyman
Elizabeth Wyman, Esq.
Attorney for State of Maine Department of Labor
Office of the Attorney General
6 State House Station
Augusta, ME 04333-006
Liz.wyman@maine.gov

SO ORDERED:

Dated: 4/3/13


Judge, District Court